

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CENTRAL FAX CENTER**

Applicant: Shank, et al. Examiner: V. Vu
Serial No.: 09/223,972 Art Unit: 2154
Filed: December 31, 1998 Attorney Docket No.: HU0125
Title: DISTRIBUTED OPEN ARCHITECTURE FOR MEDIA AND TELEPHONY
SERVICES

APR 25 2005

DECLARATION OF KEVIN SHANK

I, Kevin Shank, hereby declare as follows:

1. I am an inventor of the invention (the subject invention) which is disclosed and claimed in U.S. Patent Application (the subject patent application), serial number 09/223,972, filed December 31, 1998, for "Distributed Open Architecture for Media and Telephony Services."

2. This Declaration is made by me to establish the fact that I had invented, and was in possession of, this invention, before July 22, 1998.

3. Very specifically, sometime before July 22, 1998, I had conceived and completed the invention, and had implemented the invention in a beta version of software, which formed an early physical embodiment of it. That embodiment (a) included all of the structural elements set forth in the apparatus claims which are contained in the subject patent application, and (b) implemented all of the method steps set forth in the method claims in the application.

4. As an illustration of the statements just made above in Paragraph 3, attached as Exhibit A to this Declaration are 21 pages of a reference manual for a product referred to as the Nortel Server. This document describes a telephony services server which was developed and configured to implement an embodiment of the invention. The dates on the reference manual have been redacted, although the date of the reference manual attached hereto is at least as early as July 22, 1998, and evidences an actual reduction to practice of the invention as of that date.

5. The embodiment of the invention which is specifically described in this reference manual possessed, as best I can recall, all of the features of my claimed invention. For example, Figure 2 of the subject application is contained at page S-3 of the reference manual and Figure 3 of the subject application is contained at page S-9 of the reference manual. These figures were chosen to illustrate an early working implementation of my claimed invention.

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6. In Section 5.1.1 at pages 5-3 to 5-4, and again in section 5.2.1 at pages 5-15 to 5-19 the reference manual describes an implementation of the invention in which a CORBA distributed software bus has been used to provide location-transparent communication between architectural components of a communication framework. Pages 5-6 through 5-15 describe operating system services (Section 5.1.2), basic services (Section 5.1.3), media services (Section 5.1.4), telephony services (Section 5.1.5), and system management (Section 5.1.6), all of which are described in the subject application.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: _____

Kevin Shank

Dated: _____

4/10/05

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